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Department of Defense

DIRECTIVE

May 28, 1996
NUMBER 1310.2

USD(P&R)

SUBJECT: Appointing Commissioned Officers

References:

- (a) DoD Directive 1310.2, "Appointing Regular Commissioned Officers," March 24, 1984 (hereby canceled)
- (b) Title 10, United States Code
- (c) Section 3331 of title 5, United States Code
- (d) DoD Instruction 1320.7, "Grades, Promotion Policies, Age, and Authorized Strengths in Grade for Medical and Dental Officers," September 29, 1993
- (e) Section 1101 of title 8, United States Code
- (f) DoD Instruction 1215.17, "Educational Requirements for Appointment of Reserve Component Officers to a Grade Above First Lieutenant or Lieutenant (Junior Grade)," November 2, 1995
- (g) Title 32, United States Code

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a).
2. Updates policy and responsibilities governing the appointment of persons as regular commissioned officers and continues to implement Section 532 of reference (b).
3. Incorporates Reserve component policies and responsibilities governing the appointment of Reserve Commissioned officers under Sections 12201, 12203, 12204, 12205, and 12206 of reference (b).

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Defense Agencies.

C. DEFINITIONS

1. Commissioned Officer. An officer in any of the Military Services in the Department of Defense who holds a grade and office under a commission signed by or for the President, and who is appointed as a Regular or a Reserve officer. The term does not include a commissioned warrant officer or a retired commissioned officer.

2. Original Appointment. The most recent appointment of a member of the Armed Forces in a Regular or a Reserve component, which appointment is neither a promotion nor a demotion.

D. POLICY

DoD policy is, as follows:

1. General. The appointment of only those persons who clearly have demonstrated the potential for full careers as military officers is necessary to sustain the quality and effectiveness of the officer force. It is essential that an effective and impartial system exists to identify and select for appointment as commissioned officers the best-qualified persons available who possess the skills necessary to meet the needs of the Military Service concerned.

2. Qualifications

a. Regular Appointments are, as follows:

(1) Basic. To receive an original appointment as a regular commissioned officer in a Military Service, an individual must be appointed by the President with the advice and consent of the Senate (Section 531 of 10 U.S.C., reference (b)), and subscribe to the oath prescribed by 5 U.S.C 3331 (reference (c)). The appointee must:

(a) Be a citizen of the United States.

(b) Be able to complete 20 years of active commissioned service before his or her 55th birthday. A person who is being appointed as a medical officer, dental officer, chaplain, or limited duty commissioned officer in the Navy or the Marine Corps, or a Reserve officer appointed as a medical skills officer other than a medical or dental officer, shall be exempt from that requirement. Medical skills officers include Nurse Corps, Army Medical Specialist Corps and Veterinary Corps officers, Army and Navy Allied Science officers of the Medical Service Corps, and Air Force Biomedical Science Corps officers.

(c) Be of good moral character.

(d) Be physically qualified for active service.

(e) Have other special qualifications prescribed by the Secretary of the Military Department concerned.

(f) (Effective after September 30, 1996) Have completed one year as a commissioned officer on the Active Duty List (other than as a warrant officer).

(2) Medical and Dental Officers are, as follows:

(a) The Military Departments may give original appointments as regular commissioned officers in the following grades to qualified doctors of medicine, osteopathy, or dentistry who meet the requirements of subparagraph D.2.a.(1), above:

1 The Army may appoint a person to the grade of first lieutenant through colonel if he or she is being appointed in the Medical Corps or the Dental Corps.

2 The Navy may appoint a person to the grade of lieutenant (junior grade) through captain if he or she is being appointed in the Medical Corps or the Dental Corps.

3 The Air Force may appoint a person to the grade of first lieutenant through colonel with a designation as a "medical" or "dental officer."

(b) To be eligible for an appointment as a medical officer, a doctor of osteopathy, besides meeting the requirements of subparagraph D.2.a.(1), above, shall:

1 Be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of States.

2 Be licensed to practice medicine, surgery, or osteopathy in a State or in the District of Columbia.

3 Have completed, as prescribed by DoD Instruction 1320.7 (reference (d)), a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and would be qualified for an original appointment in the grade for which that person is being considered for appointment.

4 Have any other qualifications prescribed by the Secretary of the Military Department concerned after considering the recommendations, if any, of the Surgeon General of the Military Department concerned.

(3) Limited Duty Commissioned Officers. The appointment of a person as a regular limited duty commissioned officer in the Navy or the Marine Corps shall be made under 10 U.S.C. 5589 or 5596 (reference (b)). Appointees shall meet the requirements of subparagraph D.2.a.(1), above.

b. Reserve Component Appointments are, as follows:

(1) To become an officer of a Reserve component, a person must be appointed as a Reserve officer in an Armed Force in a grade corresponding to a grade authorized for the regular component of the Armed Force concerned and subscribe to the oath prescribed by 5 U.S.C. 3331 (reference (c)). Additionally, to become an officer of the Army National Guard of the United

States or the Air National Guard of the United States, a person must first be appointed to, and be federally recognized in, the same grade in the Army National Guard or the Air National Guard.

(2) Except as otherwise provided by law, the Secretary of the Military Department concerned shall prescribe physical, mental, moral, professional, and age qualifications for the appointment of persons as Reserves of the Armed Forces. However, no person may be appointed as a Reserve officer unless the person is at least 18 years of age and the person is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under 8 U.S.C. 1101 (reference (e)), or the person has previously served in the Armed Forces or in the National Security Training Corps.

(3) A person who is otherwise qualified, but who has a physical defect that the Secretary of the Military Department concerned has determined will not interfere with the performance of the duties to which that person may be assigned, may be appointed as a Reserve officer.

(4) The Secretary of the Military Department concerned shall not prescribe a maximum age qualification of less than 47 years of age for the initial appointment of a person as a Reserve to serve in a health profession specialty that has been designated by the Secretary of the Military Department concerned as a "specialty critically needed in wartime."

(5) Appointments of Reserve officers in commissioned grades of lieutenant colonel and commander, and below, shall be made by the President alone as provided in Section 12203(a) of 10 U.S.C. (reference (b)). Appointments of Reserve officers in commissioned grades above lieutenant colonel and commander shall be made by the President by and with the advice and consent of the Senate, except as in Section 12213 or 12214 of reference (b).

(6) Appointments of Reserve officers are for an indefinite term and are held during the pleasure of the President.

(7) With the exception of the adjutants general and the assistant adjutants general of the several States and Territories, Puerto Rico, and the District of Columbia, no person may be appointed as a Reserve officer above the grade of major or lieutenant commander unless, as follows:

(a) The person was formerly a commissioned officer of an Armed Force (see subparagraph D.2.b.(9), below); or,

(b) Such an appointment is recommended by a board of officers convened by the Secretary of the Military Department concerned.

(8) After September 30, 1995, no person shall be appointed to a grade above the grade of first lieutenant in the Army Reserve, the Air Force Reserve, or the Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or the Air National Guard, unless that person has been awarded a baccalaureate degree by a qualify-

ing institution. An officer without the baccalaureate degree shall be considered by the promotion board, in accordance with Section 14301 of 10 U.S.C. (reference (b)), but shall not be selected by that board for promotion or Federal recognition, unless the officer meets the educational requirement prescribed by DoD Instruction 1215.17 (reference (f)). That provision does not apply to the following:

- (a) The appointment to, or recognition in, a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.
- (b) The appointment in the Naval Reserve or the Marine Corps Reserve of an individual appointed for service as an officer designated as a "limited duty officer."
- (c) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet Program.
- (d) The appointment to, or recognition in, a higher grade of any person who was appointed to, or federally recognized in, the grade of captain or, for the Navy, lieutenant, before October 1, 1995.
- (e) Recognition in the grade of captain or major in the Alaska Army National Guard of a person who resides permanently at a location in Alaska that is more than 50 miles from each of the cities of Anchorage, Fairbanks, and Juneau, Alaska, by paved road and who is serving in a Scout unit or Scout supporting unit.

(9) A person who is a former commissioned officer may, if otherwise qualified, be appointed as a Reserve officer. A person so appointed may be, as follows:

- (a) Placed on the Reserve Active Status List of that Armed Force in the grade equivalent to the permanent Regular or Reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status.
- (b) Credited for the purpose of determining date of rank under Section 741(b) of reference (b) with service in grade equal to that held by that person when discharged or separated.

3. Selection Methodology. The means by which persons are considered and selected for original appointment as commissioned officers shall be determined by the Secretary of the Military Department concerned. If a board is used to select applicants for original appointment, the procedures generally should conform to those used by the Military Department concerned in selecting officers for promotion or continuation under Chapter 36 or Section 1403 of reference (b). This subsection does not apply to the Army National Guard and the Air National Guard where original Reserve appointments are governed by the Federal recognition process under 32 U.S.C. (reference (g)).

4. Selectees. Persons selected for appointment as commissioned officers shall be notified as soon as practicable. The appointment should be made expeditiously under procedures prescribed by the Secretary of the Military Department concerned. A selectee shall be afforded a reasonable period of time to accept the appointment consistent with the needs of the Military Department concerned.

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness shall supplement this Directive, as appropriate.

2. The Secretaries of the Military Departments shall:

a. Administer the policy in section D., above.

b. Recommend policy changes to this Directive to the Under Secretary of Defense for Personnel and Readiness.

F. EFFECTIVE DATE

This Directive is effective immediately for officers on the Active Duty List and on October 1, 1996, for officers on the Reserve Active Status List, except that subparagraph D.2.b.(8), above, is effective on October 1, 1995.



John P. White
Deputy Secretary of Defense